

**Robert W. Federal**  
**3918 Dungan Street**  
**Philadelphia, PA 19124**  
215-537-0715

May 27, 1999

Ms. Magalie Roman Salas, Secretary  
Office of the Secretary, TW-A306  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: MM Docket No. 99-25 -- Creation of a Low Power Radio Service

Dear Ms. Salas:

Attached are my comments on MM Docket 99-25.

This document was filed electronically and was written in Microsoft Word 6.0 format.

Respectfully submitted,  
Robert W. Federal

There is no question regarding the need for community friendly radio stations and I am sure that workable solutions can and will be found for allocation of spectrum space and most, if not all, technical issues. I applaud the FCC for addressing this issue and am supportive of low power FM.

However Docket 99-25, as proposed is vague, discriminatory, and probably unworkable!

Most troubling are the very strange engineering proposals that have been put forth, particularly regarding spectrum space, but there are far better qualified individuals than I to argue that.

Another point, which will bother any clear thinking person, is the FCC's insistence on minority preference. It would be a refreshing change if the FCC concerned itself more with an applicant's ability to administer the LPFM responsibly and stopped worrying about whether the applicant falls into a specified gender or race.

For thirty years or more white males have been forced to take a back seat for education, housing, job opportunities, and the like. If they dared complain, they were unfairly labeled RACIST. While our politicians told the American public all people should be given a fair chance and not only was discrimination wrong, but in fact, regarded a criminal act, the FCC pushed through regulations that were highly discriminatory. For instance, minority preference in hiring, license renewals dependent on racial and gender make up of a broadcast facility's staff, trust funds set aside for minority use, and much more. Never did the qualifications of an applicant even enter into the picture. You call that FAIR?...That's EQUAL OPPORTUNITY?!!

The Federal Communications Commission's function is to regulate and administrate...not segregate! Give it a rest, please.

Now I will move onto an equally important, but less controversial point. After reading a number of the comments on the FCC website I have concluded most people are unaware of the financial realities of broadcasting. A number of well meaning people have written in to say that they want to keep these proposed new frequencies commercial free. It may sound fine, but, in my opinion, unrealistic.

It is reasonable to assume that the licensee will be expected to broadcast, at least, a normal broadcast day. That may be defined by the current FCC rules and regulations, as anywhere between twelve and twenty-four hours. Doesn't the licensee need to make a living? How many people can afford to work pro Gratis? Isn't it reasonable to assume the licensee may need to bring in some help. After all, nobody can remain at their post forever. That help probably needs to make a buck, too. How about technical support? Someone needs to set up, maintain, and repair studio and transmission facilities and not every licensee will be a capable broadcast engineer...again, more money.

If you are able to get around paying your staff, there is the matter of power consumption. Studios, transmitters, and even basic lighting all require electric power and it is not free.

Prospective licensees want to keep in mind that they are responsible for rectifying any technical problems, caused by the licensee, which affects their neighbors, like RF in telephones, computers, TVs and the like. In other words, the licensee pays for any necessary changes, not

only to his facility, but also the neighbor's property. Whatever is required to normalize the situation.

Equipment, especially type-approved equipment, is expensive and even if you waive the rules, semi-pro or even home stereo electronics has a price tag attached, as do electrical components and replacement parts.

The most expensive items will be of a technical nature, such as transmission line, the cost of erecting a tower, tower maintenance, permits from local authorities to erect a tower on your rooftop, backyard, etc.... In the case of an LP1000, you will need to rent space or purchase property for a tower site. In addition, LP1000's may even require an engineering survey and most likely an STL.

Now let's look at programming! How many microstations will produce all their programs. Probably not many. My guess is most will have to contract outside production services to cover at least a portion of their broadcast day. Commercial stations get around this problem through BARTER (i.e., free programs for commercial air time). If commercial matter is disallowed, this programming becomes available only on a cash basis! Where will this cash come from? And if you are planning to broadcast any music, I suggest you talk to the folks at ASCAP/BMI first. They want their pound of flesh too!

Having been an Operations Manager, Program Director, and Production Manager, I am well aware of the high cost of radio broadcasting. Moreover I know of only two ways to defray those costs, conventional advertising or through donations and grants, as in the case of public broadcasting.

...Using the second method and keeping in mind the proposed limits on microbroadcasting, an LP1000 would have a tough time of it. An LP100 would have even less of a chance, and anything else would have no chance at all. Urban environments may have dense populations, but the affluent have fled the cities and very few urbanites can afford to support their local NPR affiliates. What chance does the limited signal of an LPFM have?

On the other hand, commercial broadcasting depends on the ability of the licensee to sell the idea of community radio to local business and the community at large. For years, small market radio stations have operated on the same principal and I see no reason why that philosophy wouldn't work here.

Finally there is a matter of enforcement. It seems to me that the Federal Communications Commission has problems in getting current licensees to comply; let alone enforcing compliance from new entrants with low power allocations. It will be much tougher to monitor these low power signals and the majority of licensees will have little or no background in broadcasting. One major problem will be getting new broadcasters to understand the reason they, as opposed to someone else, were granted a frequency.

I have worked for owners who had no broadcast background and once having taken possession of the license paid no mind to FCC rules and regulations or anyone else. As far as they were concerned, it was just another of their enterprises. The FCC never even checked on them unless somebody complained. In addition, it's no secret broadcast piracy is on the rise and the reason is not hard to fathom. The FCC has neither the funding nor personnel to shut these people

down. And the pirates know it! In circumstances like these, how will you force new applicants, groups or individuals, to act in accordance with the terms by which their licenses were granted?

In conclusion, I suggest the following:

- A. The FCC grant the first licenses to individuals with at least five years broadcast background and groups and organizations with at least one experienced broadcaster on their Board of Directors or contracted in an advisory position.
- B. Licensees should be scrutinized for technical compliance annually and community service reports should be submitted at the same time. Licensees should be required to renew their license annually and those licensees who cannot show compliance with the terms by which the license was granted, should be placed on probation. If within six months they are still out of compliance the license should be revoked
- C. Licensees should have the option of being a commercial radio station. It should be left up to the licensee as to whether they exercise that option.
- D. All potential licensees should be made aware of the up-front cost involved in putting their facility on the air.
- E. LP100 stations should not be forced off the air for any reason. If these are operating radio stations, they should be treated as such, especially if they are somebody's livelihood.

These are my thoughts on the matter and I hope you will give them due consideration.